

1888-009 Chancery Causes. Cdn. of Charles C. Carrico to by vs. Charles C. Carrico & Lee Co.

Riddle, Hyatt, Barron, Wyatt

CA-Estate Dispute  
T-Property

Virginia Lee Circuit Court 58

To the Honorable Judge  
of the said court sitting in chancery,  
your orator <sup>James</sup> Montgomery Carrier  
Guardian of Charles C. Hugh In  
Robert C. Harriet Vene Johnnath  
an In Carrier, who are of tender  
years, Respectfully represents to  
your honor, that his said wards  
are the only heirs at law of his  
late wife Caroline Carrier  
whose maiden name was Caro-  
line Wyate, her mother was  
Lodovica Wyate, who died many  
years ago, leaving two children  
the said Caroline and her  
brother Johnnathan In Wyate  
these two children were heirs of  
Stephen Jones their mother's  
father, who died intestate after  
his daughter Lodovica Wyate died,  
owner of real estate, that close  
ended from him to them  
and his other children, incor-  
porated with the corner claim  
of his widow, these lands were  
many years ago partitioned  
between the heirs of Stephen



Jones, Mrs Currier then Miss White  
and her brother John and their son  
White being children of Louisa  
White took the share she would  
have taken if she had been alive  
and being then infants of tender  
years. Their share was laid out  
together and never was partition  
ed between them, it was laid  
out in five lots one lot of  $4\frac{1}{2}$   
acres, the 2d contained ~~two~~ <sup>nine</sup> acres,  
the 3d contains 2 acres, the 4th about  
3 acres, and the 5th  $1\frac{3}{4}$  acres, These  
lots do not adjoin each other,  
but are separated from each other  
by the lands of others that lay  
all around them, and some  
of them have not a stick of timber  
on them, and have been all  
the time enclosed with the  
fence of those owning the adjoin  
ing lands, and of no value  
whatsoever to the children, in this  
state of affairs your mother  
married Caroline, and had  
issue by her the sons above  
named, and then she died.  
In the lifetime of Mrs Currier her



and your orator, feeling that  
they could not make said  
seemings profitable to them as  
a home in its antichristian condition  
sold the interest of said Caroline  
<sup>in three of the lots</sup>  
to ~~John~~ <sup>John</sup> Riddle for \$325 and sold  
the next largest tract for \$116.75  
and the next largest tract for  
\$35.00 and your orator gave his  
Bond for a title there, and  
moved to Wise County and  
bought other lands, and the  
his said wife after giving birth  
to the said children died with  
out, <sup>they</sup> having collected the pur-  
chase money on or near the  
land, her right descended to  
the said minor subject to his  
life time estate as tenant by the  
curtesy. The children being infan-  
ts could not convey their inter-  
est leaving the fee simple with a right  
to enter and enjoy said lands  
after his death. Your orator  
and his said wife have put  
~~John~~ Riddle in possession at  
their sale. Said Riddle sold  
the land to one Smith and put



him in possession of it came assign  
ed your mother's Bond for a title to  
said Hiatt, and Hiatt sold the  
land to John Nathan in White  
and assigned your mother's  
Bond to him for a title and  
he is now in possession of his  
own and his sisters undivided  
lots claiming her undivided  
share thereof, as purchaser off  
said, and looking for a title  
to your mother and his heirs  
the purchase money to him  
has not all been paid, and  
as much as the said interest  
in said land is still unpaid  
and more too, John Nathan  
in White still owes what he  
agreed to pay Hiatt for said  
land and refuses to pay it  
until he gets a clear title which  
the heirs cannot make  
the two small tracts that have  
not been sold still lies their  
wholly valueless to your mother  
and his heirs, one Wm N G Bar  
ren who is assignee of the Bond  
given by John Nathan in White



for the purchase money  
to Hiatt, has a bill pending  
in your honorable court to  
sell said Caroline interest for  
the purchase money Johnathan  
In Wyate agrees to but has not  
power, because he cannot get a  
clear feasible title to it, and  
Wyate resists the sale because  
the feasible title cannot be made  
to him, but offers to pay the  
money over to your orator to  
discharge the paramount lien  
he has for purchase money, if  
the title can be made, the case  
of Burns vs J. In Wyate is referred  
to, and will be used as eviden-  
ce in this cause as pure as it  
is admissible to do so, together  
with the Exhibits therein,  
your orator represents that  
when him and his said wife  
sold that part of the land  
they sold to Riddle, prices were  
high and they sold it for  
a far better price than it  
would command if sold  
now, he represents it would  
be greatly to the interest of



his said Ward for this Court to  
cause them to advise said land  
by a commissioner of the Court in  
conformity of your order and  
and ascertain what their share  
of the unpaid purchase money  
would be, and secure it to them  
and keep it at interest until  
they, <sup>or their</sup> ~~that~~ to suff-  
er the contract to be rescinded,  
in which event it would yield  
them nothing during your orator's  
life time, he further represents  
it would be more to his own  
interest to sell the two little  
detached lots, and ascertain  
the present worth of their share  
in any interest in said land  
and put it at interest for them  
<sup>or their</sup> ~~that~~ to keep said small  
lots, which owing to their  
small quantity, and peculiar  
and detached locality is wholly  
worthless to them and your  
orator, even if your honor  
should decline to confirm  
the sale made of the three larg-  
est lots by your orator in



his said wife's life time, and  
cause them by a commissioner  
to convey it, it would be justly  
to their interest to sell it and  
ascertain the present value of  
their interest in it and put it  
at interest for them, your  
orator will in due time file a  
transcript of the record of the Wise  
County Court appointing him  
Guardian of the said Ward and  
a copy of his Bond to such, and  
when filed prays that they may  
be considered as Exhibits with this  
Bill, your orator being remediless  
in the Courts of Common Law  
in the premises and remediable  
in Chancery only, prays your  
honor to take cognizance of his  
cause and grant him relief  
he prays that your honor app-  
oint a commissioner of your  
Court to enquire whether or  
not it would be most to  
the interest of said wards to  
execute the contract of sale  
by appointing a commissioner  
to convey their interest in the



lands sold to Riddle afore said,  
and compell the payment of  
the purchase money, or to rescind  
the contract, and if found to  
be to their interest to execute  
for them the contract, that it  
be done under the directions  
and supervision of your  
honor, and if so confirmed  
and executed order one of the  
commissioners of your honora-  
ble court to enquire, and repo-  
rt wheather or no, it would be  
more to the interest of said  
wards, to sell the other two  
small tracts, or keep them,  
and if found to their interest  
to sell them then that your  
honor decree their interest to  
be sold, and should your  
honor refuse to execute the  
contract of sale of the three  
larger tracts, then that your  
honor cause your commissi-  
oner to enquire and report,  
wheather or no, it would be more  
to the interest of the infants  
to sell or keep them, and if



for more to their interest  
to sell them, than that your  
honor decree them to be sold  
and make such order for the  
disposition of the money aris-  
ing from the sale as justice  
and equity requires, and should  
your orator be in any way  
mistaken in his special pray-  
er of relief in the kind and man-  
ner of relief he is entitled to,  
may it please your honor  
to extend to him the relief  
appropriate to his case, to that  
end he names Charles C Car-  
rier, Hugh M Carrier, Robert C Carrier,  
Harriet V Carrier, Johnathan M  
Carrier, J B F Riddle, John Abbott  
Wm N G Barron, and Johnathan  
M White, parties defendants to  
this Bill and prays the court  
to compel them to answer  
the same, and for process to  
issue against them, and that  
this cause be consolidated and  
tried with the case of Wm N G Bar-  
ron vs Johnathan M White  
and in equity &c.

Burns &c



On Lch 7.21/July/81  
 Dec. L. 5.00  
 Hyatt 6 14 00 settled

Joseph M. Carries  
 vs } Bill.

Charles C. Carries et al

1877 June Bill Filed, J. P.  
 Directs & Deere nisi.  
 " July, D. N. Court set for  
 hearing by Plaintiff.  
 " Nov 28<sup>th</sup> Order & c.  
 " Dec 1<sup>st</sup> Decree Court.  
 Aug  
 1880 Decree & Court d.  
 1881 Mar. Decree & Court  
 " Aug " "  
 1882, Mr. Aug. No Court d.  
 1883 Mr. Court d. Aug Court d.  
 " Nov. Continued.  
 1885 Apr. Decree final

Joseph M. Carries states that  
 the facts stated in this Bill he  
 believes to be true 29<sup>th</sup> of March  
 1874  
 sworn to before me the 29<sup>th</sup>  
 of March 1879 J. Joseph M. Carries  
 is  
 James W. Clerk



Virginia,

To the Honorable Jno. A. Kelly Judge of the circuit Court of Lee County,

The answer of Charles C. Leavico, Hugh M. Leavico, Robert C. Leavico, Harriett V. Leavico and Jonathan M. Leavico infants by James W. Orr their Guardian ad litem to a bill filed in your Honor's Court against these respondents, <sup>by Jas. M. Leavico their Guardian</sup> respectfully represents, that these infants are of tender years, and not capable of advising your respondent as to their interests in the subject matter in the cause, but as this cause seeks to dispose of these infants' real estate, your respondent feels confident that your Honor will require the making out of a clear case, showing that such sale or disposition of said real estate as the plaintiff asks for in his bill, will promote the interest of these infants, before your Honor will decree according to the prayer of the bill. Your respondent therefore submits the interests of these infants to your Honor's hands, where he has no doubt they will be carefully protected.

James W. Orr Guardian  
ad litem,

Sworn to & subscribed before me Nov 29th 1879.  
Henry J. Morgan Compt.



Joseph M. Leavick <sup>Guam</sup><sub>-ian</sub>

vs } Ant of G. A. L.

Chas L. Leavick et al

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Filed Nov 29/79.

Jas W. Orr. Clerk.



1 J. M. Carrico Guardian & Puff.

2 75

3 In chary

4 Charles Carrico et als. Deft

5 This cause came on this day to be heard  
6 upon the papers formerly read, the report of  
7 J. M. Carrico leave and deed filed therewith  
8 and was argued by counsel on consideration  
9 whereof it is adjudged ordered and  
10 decreed that said report and deed be and  
11 they are hereby confirmed and the  
12 cause is stricken from the docket.  
13  
14  
15  
16



J M Larras Guardian  
no 4 Deere final  
Chas Larras it also

Entered Chas Larras  
page 115-

J A G Hyatt

Enter This date

April 3. 1888.

Hyatt



Joseph M Carver      Pltff  
vs      In chcy  
Charles Carver et al      Dfts

This cause came on again this day to be further heard upon the papers heretofore read and the report of J R Gibson special commissioner filed on the 18<sup>th</sup> day of March 1882. and was argued by counsel. And it appearing to the Court from said report which is unacceptable to that Special Commissioner Joseph M Carver has failed to make deeds to the lots of lands heretofore sold by him to John Riddle and J B F Riddle as he was ordered to do by a former order of this Court, and that he has failed to make reports of other sales directed to be made by him as Commissioner. It is adjudged ordered and decreed That a rule be and the same is hereby awarded against said Commissioner Joseph M Carver returnable to the first day of the next term of this Court to show cause if any he can why he should not be fined for his contempt for failing to obey said orders of this Court. and it is further ordered That a copy of this decree be sent by the Clerk of this Court to



The Sheriff of Wise County, Virginia  
 to be by said Sheriff served upon  
 the said carrier. And it is further  
 adjudged ordered and decreed That  
 said carrier make full and accurate  
 report of all money received by him  
~~under and by virtue of~~ <sup>from</sup> the sales made  
 by him under and by virtue of the  
 decrees and orders heretofore entered in  
 this cause and the cause is continued

For Mr Carrier

vs. My Decree

Charles Carrier et al

Entered page 96

C.O.B. No. 3

G. H. G. G. G. G.

Enter This decree

H. S. M. M.

Decr 7<sup>th</sup> 1887



Joseph M. Canico Guard &c. Pffs.

Against

Charles E. Canico et al's depts

Am S. G. Barron Sr. — — Pffs.

Against

Jonathan M. Hyatt et al's depts

In ch

On the motion of the pffs in the above second styled cause, these causes are ordered to be heard together — And thereupon they came on this day again to be heard upon the papers formerly read and the reports of Commissioners on, which being unexcepted to are confirmed; and the arguments of Counsel, On consideration whereof and it appearing to the Court, that plaintiff Jos. M. Canico has not executed the duties assigned him under the decretal order of 28<sup>th</sup> Aug. 1880, but that he has during the present term filed the bond, required by a former order in the cause, with L. H. C. Dolger and John H. Snodgrass his securities therein, Conditioned as by former decrees directed; Said bond is approved, and accepted by the Court. And the said Special Commissioner Jos. M. Canico still failing to convey or direct the lands so sold by him, he is hereby removed and John R. Gibson — who is appointed a Special Commissioner in Room and stead is directed, to convey the lands sold by said









George

J M Caries Guondeon, Compt  
vs

Richy

Charles B Caries Dft

On motion of complainant  
who desires to <sup>depon</sup> execute and recover a  
bond as required of him by the former  
decree entered herein, before the Clerk  
of the Circuit Court of Glouce County, Va and  
the Court seeing ~~to~~ no objection to the same,  
therefore leave is granted the ~~said~~ <sup>plaintiff</sup> to execute and ~~recover~~ <sup>as required, or until</sup> ~~shall~~ <sup>seen</sup> bond before  
the Clerk of the <sup>Circuit</sup> Court of Glouce County, provided  
that said Clerk of Glouce County shall certify  
the sureties to be amply sufficient and shall  
attach an affidavit of each deponent  
to said <sup>bond</sup> showing what he is worth and  
in what it consists, and shall  
~~transmit~~ <sup>return</sup> the said bond with said  
certificates & affidavits thereto attached  
to the Clerk of this Court to be by him  
approved and a certificate of such approval  
given, and the Clerk of this Court is  
ordered to transmit to the Clerk  
of the Circuit Court of Glouce County  
a copy of this <sup>decree</sup> and the decree entered  
herein at the next term of this Court and  
this cause is continued.



J. Mearns Judge  
J. E. Dism

Charles C. Caries  
et al.

Entered Page 169

John C. Orr, D.C.

Entered this

In 1881

Apr. 4/81



Joseph W. Carico Guardian & Compt  
vs  
Z. J. Chy.

Charles C. Carico et al, Svs

This cause came on again this  
day to be again heard on the papers  
formerly read and report of Com-  
missioner Henry J. Morgan and  
was argued by Counsel, and said  
report having been filed more than  
10 days before the present term of this  
Court and no exceptions taken thereto  
the same is approved and  
Confirmed. And due consideration  
whereof the Court is <sup>of</sup> opinion that  
the sales already made by Complain-  
ant as guardian for his infant  
children should be Confirmed, and  
~~the~~ said sales <sup>are</sup> ~~are~~ hereby Confirmed <sup>and made binding</sup>  
And it is adjudged ordered and  
decreed that the Complainant  
who is hereby appointed a special  
for the purpose do convey the lands  
already sold by him to the purchasers



as soon as the purchase money is fully  
by deed with special Warranty  
paid. And said Commissioner is  
directed to sell the small tract of  
<sup>yet unsold</sup> land, either at public auction or by  
private sale as he may deem <sup>most</sup> advisable  
on a credit of one & two years, except  
as to costs of suit & sale which must  
be paid soon. If the Commissioner  
deems it advisable to sell, the local public  
by he must advertise the time place  
and terms of sale for at least 30  
days prior thereto by posting a written  
advertisement thereof on the front  
door of the courthouse in Jarrowick  
and in the neighborhood of the  
land to be sold. He must take  
from the purchaser bond with  
good personal security, payable  
to himself as Commissioner, con-  
taining a waiver of the homestead  
exemption and bearing interest from  
date for the deferred payments.  
And before said Commissioner



process to set under this decree  
he must execute & acknowledge  
before the Clerk of this Court a bond  
with good security payable  
to the Commonwealth in the penalty  
of \$400, conditioned to faithfully  
account for the sum of \$150, with  
interest to be computed against  
him as guardian from the 18<sup>th</sup>  
day of Oct 1880 till paid. Said  
Commissioner will report  
to Court and this cause is  
continued.



Joseph M. Conies  
Guendion & Co

R. B. Deane

Charles C. Conies  
Itals

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Entered page 129.

F. R. Stenley & Co.

Enter this name

In A. K.  
Aug 28<sup>th</sup> 1880



Joseph M Carico Guardian &c

vs

Charles C Carico et al

This cause comes on to be heard on the answer of the infant defendants by their guardian, Aulitem Jas H Orr, and on the Bill Taken for confessed against the other defendants, on some consideration whereof this cause is referred to H J Morgan to ascertain and report to the Court, wheath<sup>r</sup> or no it is <sup>in</sup> the interest of the infant defendants to execute the contract, of sale or rescind it as to them, and should he ascertain it to be most to their interest to execute the contract he will then ascertain and report, what the life time interest of Joseph M Carico amounts to in the unpaid purchase money for the lands sold, he must give Joseph M Carico notice By, addressing him a letter directed to him at Guests Station Wise County Va placed in the mail 20 days before of when and where he will commence his sittings, he will also give



And Mr Orr is now with notice of  
 some time and place, actually  
 or otherwise, and this is  
 continued

J M Carrico  
 di m de

vs } Decree

Charles, G. Carrico et al

Cont page 557

Jas W Orr, Clerk.

Enter  
 J. A. R.  
 Dec. 1/79

350.  
 116 75  
 35  
 501.75  
 37 50  
 539.25



Joseph M Currie Guardian of  
Charles C Currie et al } Deceit

It appearing to the Court  
Charles C, Hugh M, Robert C, Hurriett  
V and Johnathan M Currie et al  
in this cause are infants, It is  
ordered that Jas Worrle and  
hereby is appointed guardian  
ad litem for them in this cause  
and being clerk of this court &  
in court accepts the appointment



Caricatures

vs. Decree

Caricatures

Ent page 52.

Jan W. O. Ck.

Ente

by AK

Nov 28/79



Commissioners Office Jonesville Va. May 24 1880.

Joseph M. Carico

Peff

vs.

Charles C. Carico & others

Defts

In Chancery

To the Hon John A. Kelly Judge of  
the Circuit Court of Lee County

By a decree entered in this cause on the 1st  
day of December 1879 I was directed to do certain  
things therein mentioned, and to report to you  
the result thereof, but as to all the matters  
thereof, I shall not now perhaps respond, for the  
reasons hereafter stated.

The notice so far as notice was given of  
this my proceeding, is shown by a paper herewith  
filed marked (A).

I find on reading the Peffs bill, that he claims  
that his late wife was the owner of one half  
of 5 separate pieces or parcels of land, which  
had been laid off and assigned to her and her  
brother Jonathan M. Wyatt, out of the land owned  
by Stephen Jones dead and covered by the dower of  
his late widow Mary Jones dead, and out of the  
lands actually owned by her in her own right.

One of these separate pieces the Peff states, con-  
tains  $47\frac{1}{2}$  acres, a second 9 acres, a third 2 acres  
the fourth 3 acres and the fifth  $1\frac{3}{4}$  acres.



The Peff further states in his bill that he has already sold the three largest pieces, and if that is true it follows that the pieces sold are the  $47\frac{1}{2}$  the 9 and the 3 acre pieces, leaving only the 2 and the  $1\frac{3}{4}$  acre pieces yet to be sold.

The Peff further states in his bill that he sold the  $47\frac{1}{2}$  acre piece or his late wife's interest therein for \$325.00 the 9 acre piece for \$116.75 and the 3 acre piece for \$35.00. But, <sup>while</sup> he thus states the prices he was to receive for the bulk of the  $47\frac{1}{2}$  acres, yet I find from the Peff's deposition in the cause of Barron against Hyatt & others, that he there states on oath that he sold it for \$350.00, and this last sum is what I have learned from others he was in fact to get, I am therefore disposed to think, that the Peffs cannot draw and prepared the bill from memory and thereby omitted the \$25.00 in the price of the land.

The  $47\frac{1}{2}$  acre piece seems to have been sold on the 4th day of December 1869. And \$125.00 of the purchase money was then paid to the Peff, and a note for the residue was given him of \$225.00 due in 12 months from that time, and this note I am informed is outstanding and unpaid and if so is a lien on the land.

This  $47\frac{1}{2}$  acre piece was sold by the Peff to one F. H. Riddle who before paying for it, sold the same to one John A. G. Hyatt, who again sold the same to



Jonathan M Wyatt the brother of Peff's late wife, but  
the Peff, no where informs us, so far as I have seen,  
to whom he sold the 9 acre or the 3 acre piece, to or  
whether he has received the pay therefor or not, or  
whether he and his wife in her lifetime made a deed  
or deeds conveying the same to the proper parties,

The sales of these lands amount in the aggregate  
to \$501.75 and there seems yet to be two small pieces  
one of 2 acres, and the other of  $1\frac{3}{4}$  acres yet not sold.  
And were these sold and the proceeds thereof thus  
ascertained, we would then have a sort of basis on  
which to proceed in order to ascertain the present  
value of the life estate of the Peff in these lands as  
tenant by the curtesy. And as there are but  $3\frac{3}{4}$   
acres yet unsold, I am disposed with the view  
of reporting on all the matters referred to me to  
consider these last two pieces as sold and that  
they brought \$37.50 which would be at the rate of  
ten dollars per acre, and that would in all prob-  
- ability approximate what they would really bring  
if put up to the highest bidder, isolated and  
separated as they are represented to be and when  
we add this supposed value of the  $3\frac{3}{4}$  acres to the  
sum of the actual sales, we have as the total  
value of all the lands the sum of \$539.25.



In the month of April last I was in the Turkey Cove on business relating to the suit of James F. Jones vs. David G. Reese, and while there was informed that I had been directed to take an account in this cause, and to make a report as to whether or not it was or would be to the interest of the infant defendants in this cause to execute the contract or contracts in the Puffs bill mentioned and with the view of satisfying myself as to that matter, I went upon and looked at the 47 acre piece, but did not look at either of the others, I was shown <sup>however</sup> where one of the other smaller pieces lay and how situated.

The 47 acre piece lies in a long narrow strip from the main road in Turkey Cove to the top of Wallens ridge, and perhaps not more than three or 4 acres thereof north of said road.

Since Jonathan M. Wyatt has become the purchaser of his sisters half thereof he has built a dwelling house Stable and a tenement house, has cleared some 3 or 4 acres of land, re-set and made some new fence, and has sown some of the land in grass and while all this has been done, I am of opinion that if one half of this 47 acre piece was now put up



for sale, in its improved condition it would not bring more than \$350.00 if that much, I therefore think the sale made by the Poff was a good one so far as the 47 acre piece is concerned, and that the interest of the infants will be promoted by executing the contract so far as this piece is concerned, provided there is a sufficient amount of the purchase <sup>money</sup> yet due thereon to give to the said infants what ought to be due them at the termination of the life tenancy, if now put at interest and compounded annually until that period, And these remarks will apply with equal force to the other piece pointed out to me, if it has already been sold, the contract should be executed, and if not, the same ought to be sold, and the money put at interest, for it lies on the north side of said ridge cut in the centre of a large boundary of cleared land, no timber on it, and it would be nearly worth the land to fence it, and were it fenced, still the owner would have no way of getting to or from it, without passing over the land of some one else.

As to the other three pieces I can say nothing as to my own knowledge, but if it is true that they do not adjoin each other, and are surrounded by the lands of others and in such small pieces as



as is represented, then I should at once say that so far as they are now sold, the contracts of sale should be enforced, and the lands not sold should be sold and the money invested for the benefit of the infants: or their due proportion thereof.

We have seen that the estimated value of the lands not sold, and the price of the three pieces actually sold amounts to \$539.25 And as the Plff is or would be entitled to the rents and profits of the land during his life it would seem that he ought now to be entitled to a sum equal to the value of the interest upon said sum annually during his life, In other words he ought to receive annually in the way of rents and profits, a sum equal to the interest on the value of said land, which is \$32.35 per year and this to continue during his life, and as he seeks to get the value of his life estate in ready money instead of taking the interest annually, we must now ascertain what that life estate is worth.

As shown by a paper herewith filed marked (B) the Plff swears he was born the 18th day of Oct 1832 and if that is true, he was 47 years old in Oct 1879, and will be 48 years old in Oct 1880.

At the age of 45 a person is presumed in law to live 23 years and  $\frac{92}{365}$  of a year, At the age of



50 it is contemplated that they will yet live  $21\frac{5}{6}$  years, and the Peff in this case being now nearly 48 years old. I shall consider the probable duration of his life to be yet 22 years, and upon this basis and that of the annual interest in the value of said land, will proceed to ascertain the value of the Peffs life interest as of October the 18 1880. and having attempted to make that calculation and statement I herewith file the same marked (C) 15 by this it will be seen that the plaintiff ought to receive out of the purchase price of the land as of the 18 day of October 1880 the sum of \$399.99 and that would leave of the purchase and value of the land \$139.26 to be put at interest for the benefit of the children of the Peff.

The fund to be divided between the life tenant and the reversioners is \$539.25 and when the life tenant gets his due proportion thereof, there ought to be such a sum left for the reversioners that if the same was put at interest on the 18th day of October 1880 and the interest compounded annually for 22 years from that time, that at the end of that period there would be a fund for the reversioners of \$539.25 the present value of the land



for about 22 years from that time in contemplation of law, the infants would get the land if the same is not sold, so that what they would then get ought to be equal to the present value of the land,

I have often heard it said, that in order to prove the "Pudding, it was a good plan to Churn the bag" In this case I have tried to apply that rule by Churning the bag, and this rule when thus applied to this case, makes the pudding bad, for the \$139.26 if put at interest and compounded annually for 22 years will not yield \$539.25 but will only give \$501.69 as shown by a calculation herewith filed marked (D) I believe however that <sup>the</sup> principle on which I have proceeded, is the correct one, and that the variance is owing to an error or errors in one or both of the calculations

I have looked over each a second time with the view of finding the error, but have not succeeded but I still think there is one and were I to overlook the whole a dozen times I think I would be likely to blunder at the same place every time

One hundred and fifty dollars put at interest at the 1880 and the interest compounded annually for 22 years will give the sum of \$540.56 as is shown



by a paper herewith filed marked (E) and this is only \$1.31 more than the requisite sum. I am therefore disposed to think that the safest course to pursue is to set apart \$150.00 for the use of the reversers and give to the plaintiff for the value of his life estate, the sum of \$389.25 instead of \$399.99 as shown by paper (C)

In giving an opinion as to the propriety of selling infants lands, encumbered with a life estate thereon my general course is to do so, on the idea that the life tenant will live during the period contemplated by the rule of law adopted in such cases, and were we to disregard in toto that rule, and then look at the uncertainty of the continuation of life in any mortal being, it would certainly cause us to hesitate a little more in uttering such opinions.

I am aware that this statement of the case is and will be open to objections as to the <sup>time</sup> from which the life estate ought to have been computed, and also as to the amount or value of the life estate, but if I had adopted any other date, or any other sum still objections might have been raised thereto.

I am inclined to think that this report will substantially attain the ends of justice as between the parties

All which is respectfully Submitted

Henry J. Morgan Commt.



Joseph M. Garico

vs } Canons Report,  
}

Charles C. Garico & Others.

Filed July 13<sup>th</sup> 1880.

F. A. Stickney & Co.

Canons' fees \$12.00

Fee bill.



To the Honorable John A. Kelly Judge of the  
Circuit Court of Lee County.

The undersigned who was appointed a special  
Commissioner for the purpose of making  
Certain Conveyances, in the Cause of Joseph  
M. Carico Guardian &c and Wm. S. G. Bonner.  
against Jonathan Hyatt et al. now being heard  
together begs leave to report, that he has made  
and executed, the deed of conveyance with Cove-  
nants of Special warranty to Jonathan M.  
Hyatt for the parcel of land sold to him.  
And herewith files said deed for inspection.

Your Commissioner feels, however, that he  
cannot further execute said order, as his  
predecessor, Joseph M. Carico Guardian &c, has  
not reported the names of the purchasers  
to whom he has sold the same, or whether or  
not he has made sale of the two small  
pieces. Your Commr. therefore suggests an inqui-  
ry as to these purchases and the amounts they  
have paid before he can further execute the  
deed to him directed at the present time.

All of which is respectfully submitted.

John R. Gibson Special Commr.



Jos M Canico Guard of  
Charles Canico et al and  
Wm. F. Barron. Sr.

of { Report of Comr.  
John R. Gibson.

Jonathan M. Hyatt et al  
Filed Aug. 30<sup>th</sup> 1881.  
J. A. G. Hyatt  
Clerk



Gas M. Barico Guardian

Plff

vs

Charles Barico et al

Defts

and

Wm N. G. Barron sr.

Plff

vs

John M. Wyatt

Deft

In chy.

To the Hon. Jno. A. Kelly Judge of the Circuit Court  
of Lee County,

The undersigned a special comr. in obedience  
to a decree rendered at the Aug. Term 1887 of your  
Hons. court, directing said comr. to enquire and report  
to whom said Gas M. Barico Guardian sold the other  
lots of land mentioned in comr. Morgans report,  
and the amount of purchase money yet due from  
whom,

Respectfully reports, that his undivided  
interest of the 9 acre tract, being one half thereof, was  
sold by said Guardian to John Riddle, and his one  
half of the 12 1/2 acre tract was sold to J. B. F. Riddle,  
these sales were made about the year 1868 or 9 -  
and the purchase money is reported by good author-  
ity to have long since been paid by said purchasers,  
but no deeds have been made as yet to said lands  
by said Barico, said Barico Guardian, owns one  
half of six acres lying on the North side of Wallens  
Ridge which tract as I am informed is unsold,  
he also claimed to have an interest in some



other small pieces. which descended to his heirs  
from the Estate of Mary Jones dead, which I learn  
he has lately sold to one J. M. Wyatt, but no deeds  
have been made to any of said lands except the  
one made & filed by your Comr, at the last Aug.  
term of your Hon's Court, to the  $4\frac{1}{2}$  acres, which  
embraced the two acre & the three acre tracts referred  
to in said Morgans report.

Respectfully Submitted

John R. Gibson Special Comr. &c



Joseph M. Carico

or } Honor Report,

Chas. C. Carico & Others

Filed March 1878

J. A. Hyatt  
Clerk

Comis' fee ---- \$250.



To the Honorable J. S. K. Morison Judge of the  
Circuit Court of the County Virginia

Your Commissioner in the chancery  
cause of Joseph M. Barries Guardian &c vs  
Charles Barries it also would respectfully show  
your Honor that he has heretofore made deeds  
to John Riddle and to J. B. F. Riddle for the two  
small pieces sold to them and he now files  
here with the deed to J. M. Wyatt for the one  
half interest in the 6 1/2 acre Tract sold to him  
these are all the lands that have ever been  
sold by him, there are some other lands claim-  
ed by the heirs of Stephen and Mary Jones  
in which his wards will have an interest  
if any thing is ever realized therefrom  
which is very doubtful.

The sales made by your Commissioner as  
guardian & Commissioner are as follows.

4 7 1/2 acres.	1/2 interest in same.	\$350.00
9 "	1/2 " " "	116.75-
3 "	1/2 " " "	35.00
6 1/2 "	1/2 " " "	20.00
1 3/4 "	1/2 " " "	25.00
Total -		\$546.75-

By Judge Morgans report filed in  
this cause your wards life estate  
on \$539. is fixed at \$99.00 to which  
add only one dollar for life estate  
in sales since which makes

leaving a balance of - 400.00  
146.75-

This fully settles up the whole matter  
unless it should hereafter be ascertained  
that the other lands referred to above



1 should hereafter prove to be worth some  
2 thing. Your commission has fully  
3 paid all the costs and there remains  
4 nothing further to be done in the case  
5 April 3<sup>rd</sup> 1888. Very respectfully submitted  
6 Jos. M. Carico

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of Mr Carico's Genl.  
no 33 Carico's Report.

Carico's Carico's Stats

Filed in Open Court  
by Carico thereof  
April 3<sup>rd</sup> 1888.  
J. M. Carico



Commissioners office Jonesville V. May 3rd 1880

Joseph M. Carico Guardian ~~ad litem~~ Poff

vs.

Charles L. Carico & others

Defts

In Chancery

Notice is hereby given the Poff that at my office in Jonesville on the 24th day of May 1880 I will proceed to take the account and make the report as required by a decree entered in this cause on the 1st day of Dec<sup>r</sup> 1879 at which place and time the Poff Mr Carico and James W. Orr Guardian ad litem for the infant defendants will attend.

Henry J. Morgan Clerk



Joseph M. Cairns, Guard.

3  
27 3 Notice March 24 1880  
3

Charles C. Cairns & al

On the 3rd day of May 1880  
I put in the post office at  
at Jonesville a copy of the  
within enclosed in an enve-  
-lope addressed to the Post  
at Greenbaste Station Wisconsin  
and I also delivered to Jas  
W. Orr. another copy  
H. J. Morgan Const.

(A)



Virginia

Wise County Virginia I Samuel Salzer  
a Justice of the Peace of Wise County Certify That  
J. M. Carnice personally appeared before me  
and made oath that he was born in Grayson  
County Virginia on the 18 day of October 1832  
given under my hand this 25th day of May  
1880 Samuel Salzer J.P.

Sale made Decr 4-1869



J. M. Carico's

affidavit as to age

(B)



(16)

1880 Oct 18	As 106 is to 100. So is \$32 35 to the sum required	30 51	94
1881 " 18	" 106 is to 100 " "	28 78	32
1882 " 18	" 106 is to \$100. " "	27 15	10
1883 " 18	" 106 is to 100 " "	26 55	70
1884 " " "	" 106 is to 100 " "	25 04	76
1885 " " "	" 106 is to 100 " "	23 62	28
1886 " " "	" 106 is to 100 " "	22 28	32
1887 " " "	" 106 is to 100 " "	21 01	94
1888 " " "	" 106 " " 100 " "	19 82	08
1889 " " "	" 106 is to 100 " "	18 69	86
1890 " " "	" 106 is " 100 " "	17 63	22
1891 " " "	" 106 is to 100 " "	16 63	22
1892 " " "	" 106 is to 100 " "	15 68	92
1893 " " "	" 106 " to 100 " "	14 79	26
1894 " " "	" 106 " to 100 " "	13 95	30
1895 " " "	" 106 " to 100 " "	13 16	04
1896 " " "	" 106 is to 100 " "	12 41	54
1897 " " "	" 106 is to 100 " "	11 70	80
1898 " " "	" 106 " " 100 " "	11 03	82
1899 " " "	" 106 " to 100 " "	10 40	60
1900 " " "	" 106 is to 100 " "	9 81	14
1901 " " "	" 106 " " 100 " "	9 25	50

Value of Peffs life estate Oct 18-1880 \$399 99



Calculation and  
Statement of Life Estate

(6)



		C		F.
Oct 18/80.	Supposed Sum sent at Int. Oct 18. 1880	139	26	
" " 1881	Int on Same to Oct 18. 1881.	8	35	56
" " 1882	Int " " " 1882	147	61	
" " 1883	" " " 1883	8	85	66
" " 1884	" " " 1884	156	46	
" " 1885	" " " 1885	9	38	76
" " 1886	" " " 1886	165	84	
" " 1887	" " " 1887	9	95	04
" " 1888	" " " 1888	175	79	
" " 1889	" " " 1889	10	54	74
" " 1890	" " " 1890	186	33	
" " 1891	" " " 1891	11	17	98
" " 1892	" " " 1892	197	50	
" " 1893	" " " 1893	11	85	00
" " 1894	" " " 1894	209	85	
" " 1895	" " " 1895	12	56	10
" " 1896	" " " 1896	221	91	
" " 1897	" " " 1897	13	31	46
" " 1898	" " " 1898	235	22	
" " 1899	" " " 1899	14	11	32
" " 1900	" " " 1900	249	33	
" " 1901	" " " 1901	14	95	98
" " 1902	" " " 1902	264	28	
" " 1903	" " " 1903	15	85	68
" " 1904	" " " 1904	280	13	
" " 1905	" " " 1905	16	80	78
" " 1906	" " " 1906	296	93	
" " 1907	" " " 1907	17	81	58
" " 1908	" " " 1908	314	74	
" " 1909	" " " 1909	18	88	44
" " 1910	" " " 1910	333	62	
" " 1911	" " " 1911	20	01	72
" " 1912	" " " 1912	353	63	
" " 1913	" " " 1913	21	21	78
" " 1914	" " " 1914	374	84	
" " 1915	" " " 1915	22	49	04
" " 1916	" " " 1916	397	33	
" " 1917	" " " 1917	23	83	98
" " 1918	" " " 1918	421	16	
" " 1919	" " " 1919	25	26	96
" " 1920	" " " 1920	446	42	
" " 1921	" " " 1921	26	88	52
" " 1922	" " " 1922	473	30	
" " 1923	" " " 1923	28	39	80
" " 1924	" " " 1924	501	69	



Calculation of  
Reversions Int

(D)



Supposed Sum put at Interest Oct 18. 1880

Int on Same to Oct 1881.

Interest on last Sum to Oct 18- 1882

" " " " " " 1883.

" " " " " " 1884

" " " " " " 1885.

" " " " " " 1886

" " " " " " 1887

" " " " " " 1888

" " " " " " 1889

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" " " " " " 1896

" " " " " " 1897

" " " " " " 1898

" " " " " " 1899

" " " " " " 1900

" " " " " " 1901

" " " " " " 1902

150	00	
9	00	
159	00	
9	54	
168	54	
10	11	24
178	65	
10	72	90
189	37	14
11	36	22
200	73	
12	04	38
212	77	
12	79	62
225	56	16
13	53	36
239	09	
14	35	54
253	44	6
15	20	64
268	64	
16	12	94
284	76	64
17	09	56
301	85	20
18	11	10
319	96	
19	20	76
339	16	06
20	35	96
359	51	2
21	57	06
381	08	
22	86	48
403	94	
24	24	64
428	18	20
25	69	88
453	87	08
27	23	22
481	10	
28	86	60
509	96	
30	60	76
		66
540	56	



*Second Calculation of  
Reversioners Interest*

(8)



Virginia

At a circuit Court Court held for Lee  
County, at &c. Decr. 6<sup>th</sup> 1887.

J. M. Carrico

Plff.

Chancery.

<sup>vs.</sup>  
Charles Carrico et al

Defts.

This cause came on again this day  
to be heard upon the papers formerly read & the  
report of J. Gibson Special Commr. filed on the 18<sup>th</sup>  
day of March 1882 and was argued by Counsel  
And it appearing to the Court from said report  
which is unexcepted to. That Special Commr. J. M.  
Carrico has failed to make deeds to the lots of land  
heretofore sold by him to Jno Riddle & J. B. Riddle as  
he was ordered to do by a former decree of this  
Court. And that he has failed to make report of  
the other sales directed to be made by him as  
Commissioners. It is adjudged ordered & decreed  
that a rule be & the same is hereby awarded against  
said Commr. J. M. Carrico returnable to the first day of the  
next term of this Court, to show cause if any he  
can why he should not be fined for his contempt  
for failing to obey said orders of this Court and it  
is further ordered that a copy of this Decree be sent by the  
Clerk of this Court to the Sheriff of Wise Co. Virginia  
to be by said Sheriff of Wise Co. served upon said Carrico  
And it is further adjudged ordered & decreed that said Carrico  
make full & accurate report of all money orders  
received by him from the sales made by him under  
& by virtue of this decree & orders heretofore entered in  
this cause & the cause is continued

A copy Teste J. A. Heyatt c. c.



For  
J. M. Barrios

67  
9  
\$43

1900

✓



Know all men by these presents that we J. M. Carico, L. H. A. Salzer and John H. Snodgrass are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Four hundred dollars for the payment thereof well and truly to be made to the said Commonwealth, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents. And we hereby waive the benefit of our homestead exemptions as to this bond. Witness our hands and seals, this 25th day of August 1881.

The condition of the above obligation is such that whereas in a chancery cause now pending in the Circuit Court of Lee County Virginia, in which Joseph M. Carico Guardian &c is plaintiff and Charles C. Carico et als are defendants, by a decree rendered in said cause at the August Term 1880, the said Joseph M. Carico was appointed a special Commissioner to sell and convey certain lands in said cause mentioned, and collect the purchase money therefor, but before proceeding to act under said decree, said Commissioner was required to execute and acknowledge before the Clerk of said court a bond with good security, in the penalty of \$400<sup>00</sup> conditioned to faithfully account for the sum of \$150<sup>00</sup> with interest to be computed against him as Guardian from the 18th day of October 1880, till paid. Now if the said Joseph



M Carico, shall faithfully account for the <sup>paid</sup> sum  
of \$150<sup>00</sup> with interest to be computed against  
him as aforesaid, then the above obligation to be  
void, otherwise to remain in full force and virtue.

Jo<sup>s</sup>. M. Carico *Seal*

J. H. N. Salzer *Seal*

John H. Snodgrass *Seal*

Joseph M. Carico *Seal*

vs B Bonds of Off.

Charles L. Carico et al

Filed Aug 27<sup>th</sup> 1881

J. H. N. Salzer

John H. Snodgrass



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *Charles C. Carnico, Hugh M. Carnico, Robert C. Carnico, Harriet V. Carnico, Jonathan M. Carnico, J. B. F. Riddle, John Hyatt, Wm. A. S. Barron & Jonathan M. Wyatt*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*June* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against  
*them* by *Joseph M. Carnico,*  
Guardian for *Charles C., Hugh M., Robert C., Harriet V. & Jonathan M. Carnico,*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *16th*  
day of *April* 187*9*; in the 103<sup>rd</sup> year of the Commonwealth.

*J. W. Orr Jr. &* CLERK.



Joseph M. Camerlander

vs. Spain Chy.  
4 Copies

Chas. C. Camer et als

June Rules 1879.

Executed May the 30<sup>th</sup> 79  
by delivering A copy to the  
Defendants

Silas Young D.D

For J. S. Ely shff



# The Commonwealth of Virginia,

To the Sheriff of <sup>Wise</sup> ~~Lee~~ County---Greeting:

We Command you to Summon *Charles C. Carnes, Hugh M. Carnes, Robert C. Carnes, Harriet V. Carnes, Jonathan M. Carnes, J. B. F. Riddle, John Hyatt, Wm. B. G. Barron & Jonathan M. Wyatt*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*June* next, being rule day, to answer a bill in Chancery, exhibited in our said Court against  
*them* by *Joseph M. Carnes*

*Guardian for Charles C., Hugh M. Robert C., Harriet V. and Jonathan M. Carnes*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *16th*  
day of *April* 187*9*; in the *103* year of the Commonwealth.

*J. W. Orr Jr. W.* CLERK.



B

Joseph M. Corico Guad.

vs Spain Chy  
5 copies

Charles C. Corico  
-do

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June Rules 1879

Excused by deliver-  
ing a true copy of the  
within Spain Chy to  
Charles C. Corico, Hugh  
M. Corico, Robert C.  
Corico, Harriet V. Corico  
and Johnathon M. Corico  
the others not named  
in my O. by May  
10<sup>th</sup> 1879

J. A. Gray Dep'ty Sec'y

W. J. Shingave  
Miss Corico